

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

AMRIT KOHLI,
Plaintiff,

v.

SAN FRANCISCO POLICE
DEPARTMENT,
Defendant.

Case No. 13-cv-04305 NC

ORDER REGARDING DISMISSAL

Re: Dkt. No. 12

The Court responds to the Request for Dismissal filed November 15, 2013, at docket entry 12. The request has two deficiencies.

First, plaintiff has neither consented nor declined the jurisdiction of a magistrate judge under 28 U.S.C. § 636. Absent consent, the court lacks jurisdiction to enter judgment. 28 U.S.C. § 636(c). A copy of the consent/declination form is attached to this order.

Second, the Request for Dismissal cites to Federal Rule of Civil Procedure 41(a)(1), which permits voluntary dismissal of an action without court order. The Request, however, also seeks a court order. Ordinarily, a voluntary dismissal by court order would be under

1 Federal Rule of Civil Procedure 41(a)(2), "on terms that the court considers proper." As the
2 parties have not cited to Rule 41(a)(2), and have not submitted any details about the terms
3 of the dismissal, the Court denies without prejudice the request for a court-ordered
4 dismissal.

5 Accordingly, the Court orders plaintiff to do the following within 28 days: (1) either
6 consent or decline the jurisdiction of a magistrate judge; and (2) file an amended dismissal
7 notice that clarifies whether the requested dismissal is under Rule 41(a)(1) or Rule 41(a)(2).

8 IT IS SO ORDERED.

9 Date: November 18, 2013



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11 Nathanael M. Cousins
United States Magistrate Judge

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